

Senate File 2113 - Introduced

SENATE FILE 2113
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 508)
(SUCCESSOR TO SF 226)
(SUCCESSOR TO SSB 1135)

A BILL FOR

1 An Act relating to the possession, sale, transfer, purchase,
2 and use of fireworks, providing penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

FIREWORKS REGULATION

Section 1. Section 100.1, subsection 4, paragraph b, Code 2016, is amended to read as follows:

b. The storage, transportation, handling, and use of flammable liquids, combustibles, fireworks, and explosives;

Sec. 2. Section 100.1, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 8. To order the suspension of the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2, if the fire marshal determines that the use of such devices would constitute a threat to public safety.

Sec. 3. NEW SECTION. 100.19 Consumer fireworks seller licensing — penalty — fund.

1. As used in this section:

a. "APA 87-1" means the American pyrotechnics association standard 87-1, as published in December 2001.

b. "Community group" means a nonprofit entity that is open for membership to the general public which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code or a fraternal benefit society, as that term is defined in section 512B.3.

c. "First-class consumer fireworks" means the following consumer fireworks, as described in APA 87-1, chapter 3:

(1) Aerial shell kits and reloadable tubes.

(2) Chasers.

(3) Helicopter and aerial spinners.

(4) Firecrackers.

(5) Mine and shell devices.

(6) Missile-type rockets.

(7) Roman candles.

(8) Sky rockets and bottle rockets.

(9) Multiple tube devices under this paragraph "c" that are manufactured in accordance with APA 87-1, section 3.5.

1 *d. "Retailer" means as defined in section 423.1.*

2 *e. "Second-class consumer fireworks" means the following*
3 *consumer fireworks, as described in APA 87-1, chapter 3:*

4 (1) Cone fountains.

5 (2) Cylindrical fountains.

6 (3) Flitter sparklers.

7 (4) Ground and hand-held sparkling devices, including
8 multiple tube ground and hand-held sparkling devices that are
9 manufactured in accordance with APA 87-1, section 3.5.

10 (5) Ground spinners.

11 (6) Illuminating torches.

12 (7) Toy smoke devices.

13 (8) Wheels.

14 (9) Wire or dipped sparklers.

15 2. *a.* The state fire marshal shall establish a consumer
16 fireworks seller license. An application for a consumer
17 fireworks seller license shall be made on a form provided
18 by the state fire marshal. The state fire marshal shall
19 adopt rules consistent with this section establishing minimum
20 requirements for a retailer or community group to be issued a
21 consumer fireworks seller license.

22 *b.* A person shall possess a consumer fireworks seller
23 license under this section in order to sell consumer fireworks.

24 3. *a.* The state fire marshal shall establish a fee schedule
25 for consumer fireworks seller licenses as follows:

26 (1) For a retailer who devotes fifty percent or more of
27 the retailer's retail floor space to the sale or display of
28 first-class consumer fireworks, an annual fee of eight hundred
29 dollars.

30 (2) For a retailer who devotes less than fifty percent of
31 the retailer's retail floor space to the sale or display of
32 first-class consumer fireworks, an annual fee of four hundred
33 dollars.

34 (3) For a community group that offers for sale, exposes for
35 sale, or sells first-class consumer fireworks, an annual fee

1 of four hundred dollars.

2 (4) For a retailer or community group that offers for sale,
3 exposes for sale, or sells second-class consumer fireworks,
4 but not first-class consumer fireworks, an annual fee of one
5 hundred dollars.

6 b. A license issued to a retailer or community group
7 pursuant to paragraph "a", subparagraph (1), (2), or (3), shall
8 allow the licensee to sell both first-class consumer fireworks
9 and second-class consumer fireworks.

10 4. The state fire marshal shall adopt rules to:

11 a. Require that any retailer or community group offering
12 for sale at retail any consumer fireworks, as described in APA
13 87-1, chapter 3, shall do so in accordance with the national
14 fire protection association standard 1124, published in the
15 code for the manufacture, transportation, storage, and retail
16 sales of fireworks and pyrotechnic articles, 2006 edition.

17 b. Require that a retailer or community group to be issued a
18 license pursuant to this section provide proof of and maintain
19 public liability insurance and product liability insurance
20 with minimum per occurrence coverage of at least five million
21 dollars.

22 c. Permit a retailer or community group issued a license
23 pursuant to this section to sell consumer fireworks, as
24 described in APA 87-1, chapter 3, at the following locations
25 as specified:

26 (1) At a permanent building that meets the requirements of
27 paragraph "a", year-round.

28 (2) At a temporary structure that meets the requirements of
29 paragraph "a" between June 13 and July 11 each year.

30 d. A retailer or community group shall not transfer consumer
31 fireworks, as described in APA 87-1, chapter 3, to a person who
32 is under eighteen years of age.

33 5. a. The state fire marshal shall adopt rules to provide
34 that a person's consumer fireworks seller license may be
35 revoked for the intentional violation of this section. The

1 proceedings for revocation shall be held before the division
2 of the state fire marshal, which may revoke the license or
3 licenses involved as provided in paragraph "b".

4 *b.* (1) If, upon the hearing of the order to show cause,
5 the division of the state fire marshal finds that the licensee
6 intentionally violated this section, then the license or
7 licenses under which the licensed retailer or community group
8 sells first-class consumer fireworks or second-class consumer
9 fireworks, shall be revoked.

10 (2) Judicial review of actions of the division of the
11 state fire marshal may be sought in accordance with the terms
12 of the Iowa administrative procedure Act, chapter 17A. If
13 the licensee has not filed a petition for judicial review in
14 district court, revocation shall date from the thirty-first
15 day following the date of the order of the division of the
16 state fire marshal. If the licensee has filed a petition for
17 judicial review, revocation shall date from the thirty-first
18 day following entry of the order of the district court, if
19 action by the district court is adverse to the licensee.

20 (3) A new license shall not be issued to a person whose
21 license has been revoked, or to the business in control of the
22 premises on which the violation occurred if it is established
23 that the owner of the business had actual knowledge of the
24 violation resulting in the license revocation, for the period
25 of one year following the date of revocation.

26 6. *a.* A consumer fireworks fee fund is created in the
27 state treasury under the control of the state fire marshal.
28 Notwithstanding section 12C.7, interest or earnings on
29 moneys in the consumer fireworks fee fund shall be credited
30 to the consumer fireworks fee fund. Moneys in the fund are
31 appropriated to the state fire marshal to be used to fulfill
32 the responsibilities of the state fire marshal for the
33 administration and enforcement of this section and section
34 100.19A and to provide grants pursuant to paragraph "b". The
35 fund shall include the fees collected by the state fire marshal

1 under the fee schedule established pursuant to subsection 3
2 and the fees collected by the state fire marshal under section
3 100.19A for wholesaler registration.

4 **b.** The state fire marshal shall establish a local fire
5 protection and emergency medical service providers grant
6 program to provide grants to local fire protection service
7 providers and local emergency medical service providers to
8 establish or provide fireworks safety education programming
9 to members of the public. The state fire marshal may also
10 provide grants to local fire protection service providers and
11 local emergency medical service providers for the purchase
12 of necessary enforcement, protection, or emergency response
13 equipment related to the sale and use of consumer fireworks in
14 this state.

15 **7.** The state fire marshal shall adopt rules for the
16 administration of this section.

17 **8.** A person who violates a provision of this section or a
18 rule adopted pursuant to this section is guilty of a simple
19 misdemeanor.

20 **Sec. 4. NEW SECTION. 100.19A Consumer fireworks wholesaler**
21 **— registration — penalty.**

22 **1.** For purposes of this section:

23 **a.** "*Consumer fireworks*" means first-class consumer fireworks
24 and second-class consumer fireworks, as those terms are defined
25 in section 100.19.

26 **b.** "*Wholesaler*" means a person who engages in the business
27 of selling or distributing consumer fireworks for the purpose
28 of resale in this state.

29 **2.** The state fire marshal shall adopt rules to require all
30 wholesalers to annually register with the state fire marshal.
31 The state fire marshal may also adopt rules to regulate the
32 storage or transfer of consumer fireworks by wholesalers and to
33 require wholesalers to maintain insurance.

34 **3.** The state fire marshal shall establish an annual
35 registration fee of one thousand dollars for wholesalers

1 of consumer fireworks within the state. Registration fees
2 collected pursuant to this section shall be deposited in the
3 consumer fireworks fee fund created in section 100.19.

4 4. A person who violates a provision of this section or a
5 rule adopted pursuant to this section is guilty of a simple
6 misdemeanor.

7 Sec. 5. Section 101A.1, subsection 3, Code 2016, is amended
8 to read as follows:

9 3. "*Explosive*" means any chemical compound, mixture
10 or device, the primary or common purpose of which is to
11 function by explosion with substantially instantaneous
12 release of gas and heat, unless such compound, mixture, or
13 device is otherwise specifically classified by the United
14 States department of transportation. The term "*explosive*"
15 includes all materials which are classified as a class 1,
16 division 1.1, 1.2, 1.3, or 1.4 explosive by the United States
17 department of transportation, under 49 C.F.R. §173.50, and all
18 materials classified as explosive materials under 18 U.S.C.
19 §841, and includes, but is not limited to, dynamite, black
20 powder, pellet powders, initiating explosives, blasting caps,
21 electric blasting caps, safety fuse, fuse lighters, fuse
22 igniters, squibs, cordeau detonative fuse, instantaneous fuse,
23 igniter cord, igniters, smokeless propellant, cartridges for
24 propellant-actuated power devices, cartridges for industrial
25 guns, and overpressure devices, but does not include "*fireworks*"
26 as "*consumer fireworks*", "*display fireworks*", or "*novelties*" as
27 those terms are defined in [section 727.2](#) or ammunition or small
28 arms primers manufactured for use in shotguns, rifles, and
29 pistols. Commercial explosives are those explosives which are
30 intended to be used in commercial or industrial operations.

31 Sec. 6. Section 331.301, Code 2016, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 17. a. The board of supervisors may
34 by ordinance or resolution authorize the use of consumer
35 fireworks or display fireworks, as described in section 727.2,

1 if the board determines that the use of such devices would not
2 constitute a threat to public safety or private property, or
3 if the board determines that the use of such devices would not
4 constitute a nuisance to neighboring landowners.

5 **b.** The board of supervisors may by ordinance or resolution
6 authorize the sale of consumer fireworks, as described in
7 section 727.2, if the board determines that the sale of such
8 devices would not constitute a threat to public safety or
9 private property, or if the board determines that the sale of
10 such devices would not constitute a nuisance to neighboring
11 landowners.

12 Sec. 7. Section 331.304, subsection 8, Code 2016, is amended
13 to read as follows:

14 8. The board, upon application, may grant permits for the
15 ~~display use of display~~ fireworks as provided in [section 727.2](#).

16 Sec. 8. Section 364.2, Code 2016, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 6. **a.** A city council may by ordinance or
19 resolution authorize the use of consumer fireworks, display
20 fireworks, or novelties, as described in section 727.2.

21 However, a city council may authorize the use of such devices
22 only if the county in which the city is located has also
23 authorized the use of such devices by ordinance or resolution
24 pursuant to section 331.301, subsection 17.

25 **b.** A city council may by ordinance or resolution authorize
26 the sale of consumer fireworks, as described in section 727.2.
27 However, a city council may authorize the sale of such devices
28 only if the county in which the city is located within has also
29 authorized the sale of such devices by ordinance or resolution
30 pursuant to section 331.301, subsection 17.

31 Sec. 9. Section 461A.42, subsection 2, Code 2016, is amended
32 to read as follows:

33 2. The use of consumer fireworks, or display fireworks,
34 as defined in [section 727.2](#), in state parks and preserves is
35 prohibited except as authorized by a permit issued by the

1 department. The commission shall establish, by rule adopted
2 pursuant to [chapter 17A](#), a fireworks permit system which
3 authorizes the issuance of a limited number of permits to
4 qualified persons to use or display fireworks in selected state
5 parks and preserves.

6 Sec. 10. Section 727.2, Code 2016, is amended to read as
7 follows:

8 **727.2 Fireworks.**

9 1. Definitions. For purposes of this section:

10 a. "Consumer fireworks" includes first-class consumer
11 fireworks and second-class consumer fireworks as those terms
12 are defined in section 100.19, subsection 1.

13 b. The term "~~fireworks~~" "Display fireworks" includes any
14 explosive composition, or combination of explosive substances,
15 or article prepared for the purpose of producing a visible
16 or audible effect by combustion, explosion, deflagration,
17 or detonation, and includes ~~blank cartridges, firecrackers,~~
18 ~~torpedoes, skyrockets, roman candles, or other fireworks of~~
19 ~~like construction and fireworks containing any explosive or~~
20 ~~flammable compound, or other device containing any explosive~~
21 ~~substance. The term "~~fireworks~~" "Display fireworks" does not~~
22 ~~include goldstar-producing sparklers on wires which contain~~
23 ~~no magnesium or chlorate or perchlorate, flitter sparklers~~
24 ~~in paper tubes that do not exceed one-eighth of an inch in~~
25 ~~diameter, toy snakes which contain no mercury, or caps used~~
26 ~~in cap pistols~~ novelties or consumer fireworks enumerated in
27 chapter 3 of the American pyrotechnics association's standard
28 87-1.

29 c. "Novelties" includes all novelties enumerated in chapter
30 3 of the American pyrotechnics association's standard 87-1, and
31 that comply with the labeling regulations promulgated by the
32 United States consumer product safety commission.

33 2. Display fireworks.

34 a. A person, firm, partnership, or corporation who offers
35 for sale, exposes for sale, sells at retail, or uses or

1 explodes any display fireworks, commits a simple misdemeanor-
 2 ~~In addition to any other penalties, the punishment imposed~~
 3 ~~for a violation of this section shall include assessment~~
 4 ~~of, punishable by a fine of not less than two hundred fifty~~
 5 dollars. However, ~~the~~ a city council of a city or a county
 6 board of supervisors may, upon application in writing, grant a
 7 permit for the display of display fireworks by municipalities,
 8 fair associations, amusement parks, and other organizations
 9 or groups of individuals approved by the city or the county
 10 board of supervisors when the display fireworks ~~display~~ will
 11 be handled by a competent operator, but no such permit shall
 12 be required for the display of display fireworks at the Iowa
 13 state fairgrounds by the Iowa state fair board, at incorporated
 14 county fairs, or at district fairs receiving state aid. Sales
 15 of display fireworks for such display may be made for that
 16 purpose only.

17 b. (1) A person who uses or explodes display fireworks
 18 while the use of such devices is not authorized by an ordinance
 19 or resolution adopted by the county or city in which the
 20 firework is used commits a simple misdemeanor, punishable by a
 21 fine of not less than two hundred fifty dollars.

22 (2) A person who uses or explodes display fireworks while
 23 the use of such devices is suspended by an order of the state
 24 fire marshal commits a simple misdemeanor, punishable by a fine
 25 of not less than two hundred fifty dollars.

26 3. Consumer fireworks and novelties.

27 a. A person or a firm, partnership, or corporation may
 28 possess, use, or explode consumer fireworks in accordance with
 29 this subsection and subsection 4.

30 b. A person, firm, partnership, or corporation who sells
 31 consumer fireworks to a person who is less than eighteen years
 32 of age commits a simple misdemeanor, punishable by a fine of
 33 not less than two hundred fifty dollars. A person who is less
 34 than eighteen years of age who purchases consumer fireworks
 35 commits a simple misdemeanor, punishable by a fine of not less

1 than two hundred fifty dollars.

2 c. (1) A person who uses or explodes consumer fireworks or
3 novelties while the use of such devices is not authorized by an
4 ordinance adopted by the county or city in which the fireworks
5 are used commits a simple misdemeanor, punishable by a fine of
6 not less than two hundred fifty dollars.

7 (2) A person who offers for sale, exposes for sale, or sells
8 at retail consumer fireworks while the sale of such devices is
9 not authorized by an ordinance adopted by the county or city
10 in which the fireworks are sold commits a simple misdemeanor,
11 punishable by a fine of not less than two hundred fifty
12 dollars.

13 (3) A person who uses or explodes consumer fireworks or
14 novelties while the use of such devices is suspended by an
15 order of the state fire marshal commits a simple misdemeanor,
16 punishable by a fine of not less than two hundred fifty
17 dollars.

18 4. Limitations.

19 a. A person shall not use or explode consumer fireworks at
20 times other than between the hours of 9:00 a.m. and 10:00 p.m.,
21 except that on the following dates consumer fireworks shall not
22 be used at times other than between the hours of 9:00 a.m. and
23 12:30 a.m. on the immediately following day:

24 (1) Memorial Day and the Saturday and Sunday immediately
25 preceding that day.

26 (2) July 4 and the Saturdays and Sundays immediately
27 preceding and following July 4.

28 (3) Labor Day and the Saturday and Sunday immediately
29 preceding that day.

30 (4) December 31 and the Saturdays and Sundays immediately
31 preceding and following December 31.

32 b. A person shall not use consumer fireworks on real
33 property other than that person's real property or on the real
34 property of a person who has consented to the use of consumer
35 fireworks on that property.

1 c. A person who violates this subsection commits a simple
2 misdemeanor. A court shall not order imprisonment for
3 violation of this subsection.

4 ~~3.~~ 5. Applicability.

5 a. This section does not prohibit the sale by a resident,
6 dealer, manufacturer, or jobber of such fireworks as are
7 not prohibited by this section, or the sale of any kind of
8 fireworks if they are to be shipped out of the state, or the
9 sale or use of blank cartridges for a show or the theater,
10 or for signal purposes in athletic sports or by railroads
11 or trucks, for signal purposes, or by a recognized military
12 organization.

13 b. This section does not apply to any substance or
14 composition prepared and sold for medicinal or fumigation
15 purposes.

16 c. Unless specifically provided otherwise, this section does
17 not apply to novelties.

18 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this
19 Act, being deemed of immediate importance, takes effect upon
20 enactment.

21 DIVISION II

22 RULEMAKING

23 Sec. 12. EMERGENCY RULES. The state fire marshal shall
24 adopt emergency rules under section 17A.4, subsection 3, and
25 section 17A.5, subsection 2, paragraph "b", to implement
26 the provisions of this Act and the rules shall be effective
27 immediately upon filing unless a later date is specified in the
28 rules. Any rules adopted in accordance with this section shall
29 also be published as a notice of intended action as provided
30 in section 17A.4.

31 Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this
32 Act, being deemed of immediate importance, takes effect upon
33 enactment.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to the regulation of fireworks.

3 The bill provides that the state fire marshal has the duty to
4 enforce all laws, and rules of the department of public safety
5 concerned with the storage, transportation, handling, and use
6 of fireworks.

7 Current law provides that a person, firm, partnership, or
8 corporation who offers for sale, exposes for sale, sells at
9 retail, or uses or explodes any fireworks, commits a simple
10 misdemeanor. Current law, however, also provides that a county
11 board of supervisors or the department of natural resources may
12 grant a permit for the display of fireworks if the fireworks
13 display will be handled by a competent operator. Current
14 law further provides that the term "fireworks" includes any
15 explosive composition, or combination of explosive substances,
16 or article prepared for the purpose of producing a visible
17 or audible effect by combustion, explosion, deflagration,
18 or detonation, including blank cartridges, firecrackers,
19 torpedoes, skyrockets, roman candles, or other fireworks of
20 like construction and fireworks containing any explosive or
21 flammable compound, or other device containing any explosive
22 substance with limited exceptions.

23 The bill maintains these restrictions for display fireworks
24 and provides that the term "display fireworks" shall not
25 include novelties or consumer fireworks. The bill provides
26 definitions for the terms "novelties" and "consumer fireworks".

27 The bill requires that the state fire marshal establish
28 a consumer fireworks seller license, and requires possession
29 of such a license to legally sell consumer fireworks in this
30 state. The state fire marshal is required to establish a fee
31 schedule for consumer fireworks seller licenses. The bill
32 establishes two classes of consumer fireworks and requires
33 an \$800 annual licensing fee for a retailer who devotes 50
34 percent or more of the retailer's retail floor space to the
35 sale or display of first-class consumer fireworks. Retailers

1 who devote less than 50 percent of the retailer's retail
2 floor space to the sale or display of first-class consumer
3 fireworks are required to pay an annual licensing fee of \$400.
4 A community group that sells first-class consumer fireworks
5 is required to pay an annual licensing fee of \$400. The
6 bill requires an annual licensing fee of \$100 for retailers
7 or community groups that sell only second-class consumer
8 fireworks.

9 The bill requires that the state fire marshal adopt rules
10 to require that licensed retailers and community groups only
11 offer consumer fireworks for sale in accordance with specified
12 industry standards. The bill also requires that retailers and
13 community groups provide proof of and maintain public liability
14 and product liability insurance. Under the bill, the state
15 fire marshal is required to adopt rules to permit licensed
16 retailers and community groups to sell consumer fireworks at
17 conforming permanent buildings on a year-round basis and at
18 conforming temporary structures from June 13 to July 11 each
19 year.

20 The bill also provides for the revocation of a consumer
21 fireworks seller license for the intentional violation of
22 licensing requirements. The bill establishes procedures
23 for the revocation of such licenses and procedures for
24 review for such revocations. The bill also establishes a
25 consumer fireworks fee fund under the control of the state
26 fire marshal. The fund shall consist of the fees collected
27 for the licensing of retailers and community groups and the
28 registration of wholesalers. The fund is required to be used
29 for administration and enforcement of the state fire marshal's
30 consumer fireworks related duties and to provide grants to
31 local fire protection and emergency medical service providers.

32 The bill requires that the state fire marshal adopt rules
33 to require that wholesalers of consumer fireworks annually
34 register with the state fire marshal and allows the state fire
35 marshal to adopt rules related to wholesaler insurance and the

1 storage and transfer of consumer fireworks by wholesalers. The
2 state fire marshal is also required to establish an annual
3 \$1,000 wholesaler registration fee to be deposited in the
4 consumer fireworks fee fund.

5 Under the bill, a violation of a licensing or registration
6 provision established in Code or by rule is considered a simple
7 misdemeanor. A simple misdemeanor is punishable by confinement
8 for no more than 30 days or a fine of at least \$65 but not more
9 than \$625, or by both.

10 The bill provides that a person or a firm, partnership, or
11 corporation may possess consumer fireworks as provided in the
12 bill. The bill provides that a person, firm, partnership, or
13 corporation who sells any consumer firework to a person who
14 is less than 18 years of age commits a simple misdemeanor.
15 A person who is less than 18 years of age who purchases any
16 consumer fireworks commits a simple misdemeanor. A simple
17 misdemeanor is generally punishable by confinement for no more
18 than 30 days or a fine of at least \$65 but not more than \$625 or
19 by both, but the bill provides for a fine of at least \$250.

20 The bill provides that the state fire marshal may order the
21 suspension of the use of consumer fireworks, display fireworks,
22 or novelties if the fire marshal determines that the use of
23 such devices would constitute a threat to public safety. The
24 bill provides that a person who violates such an order by the
25 fire marshal commits a simple misdemeanor, punishable by a fine
26 of at least \$250.

27 The bill provides that a county board of supervisors
28 may adopt an ordinance or resolution to authorize the use
29 of consumer fireworks or display fireworks or the sale of
30 consumer fireworks if the use or sale of such devices would not
31 constitute a threat to public safety or a nuisance. The bill
32 also provides that a city council may adopt an ordinance or
33 resolution to authorize the use of consumer fireworks, display
34 fireworks, or novelties or the sale of consumer fireworks if
35 the use or sale of such devices would not constitute a threat

1 to public safety or a nuisance to landowners. However, a city
2 council may only adopt an ordinance or resolution authorizing
3 the use or sale of fireworks only if the county in which the
4 city is located has also authorized the use or sale of such
5 devices by ordinance or resolution. The bill provides that
6 a person who uses or sells fireworks when the use or sale is
7 not authorized by an ordinance in the city or county in which
8 the devices are used or sold commits a simple misdemeanor,
9 punishable by a fine of at least \$250.

10 The bill also provides certain restrictions on the use or
11 explosion of consumer fireworks. The bill prohibits the use or
12 explosion of consumer fireworks at a time other than between
13 the hours of 9:00 a.m. and 10:00 p.m., except on Memorial Day,
14 the 4th of July, Labor Day, and New Year's Eve, and weekend
15 days near such holidays. On those specified days, the use or
16 explosion of consumer fireworks is prohibited except between
17 the hours of 9:00 a.m. and 12:30 a.m. on the following day.
18 The bill further prohibits the use of fireworks by a person
19 on the real property of another person unless the owner of
20 the real property has consented to such use. Under the bill,
21 a violation of these restrictions is considered a simple
22 misdemeanor, provided, however, that a court shall not order
23 imprisonment for such a violation.

24 The bill requires the state fire marshal to adopt emergency
25 rules to implement the provisions of the bill, which shall be
26 effective immediately upon filing.

27 The bill takes effect upon enactment.